IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 23151 of 2000

Between:

K.Laxma Reddy, S/o Buchi Reddy,
R/o Meerpet Village, Saroor Nagar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

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1 The State of A.P., Rep. by its Director-General of Police,
Lakadikapool, Hyderabad.
2 The Station House Officer, L.B.Nagar, Poloce Station,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, under art.226 of the Constitution of India, declaring the action of the respondents in interfering with the rights of the petitioner over his lands in Sy.no.22 of Meerpet Village, Saroor Nagar Mandal, Ranga Reddy District, as being arbitrary, high-handed, illegal void, void ab initio, and unconstitutional and consequently issue appropriate directions to ensure with the safety of the person and property of the petitioner from the respondents and the outsiders acting through the respondents.

Counsel for the Petitioner: MR.S.TULASI DAS

Counsel for Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner claims to be the General Power of Attorney holder of the land admeasuring Acs.7.12 in S.No.22 of Meerpet village, Saroor Nagar Mandal, Ranga Reddy District. It is the case of the petitioner that the pattedar of the land, namely, Mr. Teegala Pratapa Reddy executed an agreement and also General Power of Attorney in favour of the petitioner. When there was a dispute between the pattedar, petitioner and others third parties, civil suits were filed and the lower court ordered status quo. In the guise of status quo orders, third parties started raising structures. The petitioner resisted the same. On a complaint being given by the third parties, the second respondent summoned the petitioner and threatened not to obstruct the construction works. It is also alleged that the second respondent is acting as arbitrator and trying to interfere with the civil dispute. Hence, the petitioner filed the writ petition seeking a direction to the second respondent not to interfere with the civil dispute.

Though the writ petition was admitted on 2.7.2001, no counter affidavit is filed. Therefore, instead of keeping the writ petition pending the matter is being disposed of following the decision of this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada.**

In **J. Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner, GPA holder and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V.V.S. RAO, J.

6th July, 2005

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To

1 The Director-General of Police, State of A.P.,
Lakadikapool, Hyderabad.
2 The Station House Officer, L.B.Nagar, Police Station,
Ranga Reddy District.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

3 2 CD copies.